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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/695,404

10/28/2003

William L. Grilliot

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02/12/2008

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
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EXAMINER

HOEY, ALISSA L

ART UNIT

PAPER NUMBER

3765

MAIL DATE

DELIVERY MODE

02/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/695,404	Applicant(s) GRILLIOT ET AL.	
	Examiner Alissa L. Hoey	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This is in response to amendment received on 11/19/07. There were no amendments made to the claims. Claims 1-4 are examined below along with a response to Applicant's remarks.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Grundstrom (US 2,127,355).

In regard to claim 1, Grundstrom teaches a pair of protective pants (10) having an upper portion, which when worn covers a lower region of a wearer's torso, and two leg portions, each of which when worn covers one of the wearer's legs, wherein each leg portion has an upper region, which extends downwardly from the upper portion, and a lower region, which extends upwardly from a lower end of said leg portion toward the upper region and which terminates not higher than where said leg portion when worn covers the wearer's knee (see figure 1), wherein the lower region has a layer of puncture-resistant material which is made from a cloth fabric (12), extends upwardly from the lower end of said leg portion, and surrounds the lower end of said leg portion (page 1, column 2, lines 1-7 and 20-50).

In regard to claim 2, Grundstrom teaches the pair of protective pants of claim 1 wherein the upper portion and the upper regions of the leg portions have an outer layer of abrasion-resistant material and wherein only the lower region of each leg portion has the layer of puncture-resistant material (see figure 1).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grundstrom in view of Amberg (US 4,282,608).

Grundstrom teaches a trouser garment as described above in claim 1. However, Grundstrom fails to specifically teach the trousers having an inner lining.

In regard to claim 3, Amberg teaches a pair of protective pants of claim 1 wherein the upper portion and the leg portions, from the upper portion to the lower ends of the leg portions, have one or more inner layers (figures 1 and 2).

In regard to claim 4, Grundstrom teaches the pair of protective pants of claim 1 wherein the upper portion and the upper regions of the leg portions have an outer layer of abrasion-resistant material. Only the lower region of each leg portion has the layer of puncture-resistant material (see figures and page 1, column 2, lines 20-38).

Amberg teaches a pant garment wherein the upper portion and the leg portions, from the upper portion to the lower ends of the leg portions, have one or more inner layers (figures 1 and 2).

It would have been obvious to have provided the protective work pant of Grundstrom with the pant having an inner liner of Amberg, since the work pant of Grundstrom having an inner liner would provide an additional layer that absorbs perspiration and prevents direct contact between the trousers and the skin the user.

Response to Arguments

6. Applicant's arguments filed 11/19/07 have been fully considered but they are not persuasive.

I) Applicant argues that Grundstrom (US 2,127,355) fails to teach the leg portions having a lower region with a layer of puncture-resistant material that is resistant to punctures by snakes or by thorny or spiky plants.

Examiner notes that all materials provide puncture resistance to snakes and plants, depending upon the snake and plant. What is considered a spiky/thorny plant? There are many different plants that have spiky or thorny regions, some of these plants would be resistant to puncturing material, further, a plants with spiky/thorny areas also has areas that are not spiky/thorny, these non-spiky/thorny areas would be puncture resistant to materials. Additionally, in reference to the snake, is the resistance to the snake from slithering through the material, or the snake biting through the material. Garment materials would be resistant to a snake slithering through a fabric material. Further, a snake biting through the material would be depending upon the size and type

of snake and thickness and type of material. Therefore, since the claims are broad the Grundstrom reference reads on the limitations as claimed.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alissa L. Hoey whose telephone number is (571) 272-4985. The examiner can normally be reached on M-F (8:00-5:30) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3765

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alissa L. Hoey/
Primary Examiner, Art Unit 3765